

REMARKS

In the Office Action Claims 28-30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson, U.S. Patent No. 6,535,726 and further in view of Pare et al, U.S. Patent No. 6,269,348. Claim 28 in the second indented clause requires “a vendor device for short range transmission to a customer of information regarding inventory pricing, vendor identification, sale amount requests, and long range transmission of requests for authorization directly to the card authorization processor and reception of sales authorization on the same link.” Underlining added for emphasis. Reference was made by the Examiner to Figure 1a of the Johnson reference. Although the line indicated “cellular link” has arrows on both ends, is clear from a reading of Johnson that communication does not occur on the same link. Authorization information as taught by Johnson in the Abstract is returned “to the fueling station at which the fuel dispenser is located via a cellular link.” While information that is to be transmitted occurs “when the customer presses send or otherwise causes their telephone to dial the number.” Johnson teaches that information is sent from the customer’s cellular telephone on one link and is received at the fueling station on a separate cellular link. This is made particularly clear in Column 2, Lines 29-33 wherein it states “Ideally, the retail system would additionally have the capability of receiving authorization information from the cellular network through a second cellular link apart from the customer’s cellular phone.” Additionally in Column 2, Lines 44-46 is indicated that “a cellular billing network by the customer’s cellular telephone and further adapted to receive transaction authorization information from the cellular billing network through a separate cellular link.” Also in Column 2, Lines 46-52 it is stated “The retail system is further adapted to conduct a retail transaction based on the transaction authorization information it receives and, upon completion of the transaction, transmit transaction cost information back to the cellular billing network for billing against the customer’s cellular telephone account.” At Column 3, Line 1-4 it states “the cellular billing network uses this information to determine authorization for the transaction. The network communicates the authorization information back to the point-of-sale system.”

This is in contradistinction to the requirement of Claim 28 that the request for authorization and the reception of sale authorization occur “on the same link.” This distinction is important because the Johnson reference requires that the dispensing device, in this case, the fuel dispenser, be required to have cellular communication capability to communicate not only with the customer, but also to receive long distance authorization from the credit provider. Since the Johnson reference does not use a credit card provider as required in the present invention, but instead simply charges a cellular account for the purchase, the Johnson device does not need to communicate with a credit authorization network such as Visa or American Express. Because of this distinction, the fuel dispenser is only interested in knowing that the cellular network is willing to charge the transaction to the cellular telephone bill. The customer’s cell phone never receives the communication and is not capable of “receiving sales authorization on the same link.”

The present invention, however, requires the third party credit card company to transmit authorization for purchase to the card holder on the card holder’s cell phone. This purchaser communications device is configured to “transmit, receive and store: sales information, authorization validations and receipt information. The Johnson reference does not teach this. The user of the present invention can interface with vendors or machines which do not possess long range communication capability, instead only needing Bluetooth or other short range capability. This is important as the vending device can be cheaper to build and can operate without incurring cell phone charges. As a result, Johnson does not teach or make obvious the claimed invention.

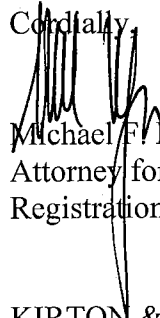
CONCLUSION

Applicant hereby submits that the current claims stand in condition for allowance.

Should there be any further communication though beneficial by the Examiner, the Examiner is respectfully invited to contact the undersigned.

DATED this 17 day of January, 2008.

Cordially,


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